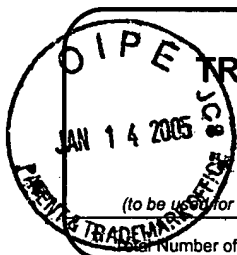


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PTO/SB/21 (09-04)



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Number of Pages in This Submission

Application Number	10/787,532
Filing Date	February 25, 2004
First Named Inventor	Malecki, William
Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	022128-000130US

## ENCLOSURES (Check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>PTO/SB08A and /08B Form<br>2 Reference Copies |
|---|--|---|

Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Scott M. Smith		
Date	January 7, 2005	Reg. No.	48,268

## CERTIFICATE OF TRANSMISSION/MAILING

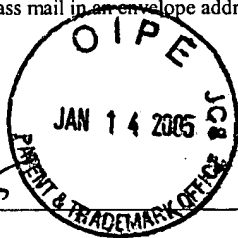
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Tiffany Wu	Date	January 10, 2005

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Attorney Docket No.: 022128-000130US

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On

1/10/05

TOWNSEND and TOWNSEND and CREW LLP

By:

Tiffany Wu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MALECKI et al.

Application No.: 10/787,532

Filed: February 25, 2004

For: ENERGY BASED DEVICES AND  
METHODS FOR TREATMENT OF  
PATENT FORAMEN OVALE

Examiner: Unassigned

Art Unit: 3731

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

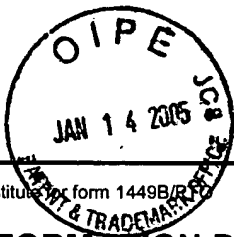
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Scott M. Smith  
Reg. No. 48,268

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
SMS:bjl  
60391984 v1



<b>Substitute for form 1449B/R</b> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/787,532		
		Filing Date	February 25, 2004		
		First Named Inventor	MALECKI, WILLIAM		
		Art Unit	3731		
		Examiner Name	Unassigned		
Sheet	1	of	1	Attorney Docket Number	022128-000130US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	AA	US-2,580,628	01-01-1952	Welsh	
	AB	US-3,862,627	01-28-1975	Hans, Sr.	
	AC	US-4,556,065	12-03-1985	Hoffmann	
	AD	US-4,929,246	05-29-1990	Sinofsky	
	AE	US-5,056,517	10-15-1991	Fenici	
	AF	US-5,928,266	07-27-1999	Kontos	
	AG	US-6,063,085	05-16-2000	Tay et al.	
	AH	US-6,302,898 B1	10-16-2001	Edwards et al.	
	AI	US-6,355,030 B1	03-12-2002	Aldrich et al.	
	AJ	US-6,383,198 B1	05-07-2002	Hamilton	
	AK	US-6,398,782 B1	06-04-2002	Pecor et al.	
	AL	US-6,676,685 B2	01-13-2004	Pedros et al.	
	AM	US-6,776,784 B2	08-17-2004	Ginn	
	AN	US-2003/0208232 A1	11-06-2003	Blaeser et al.	
	AO	US-2004/0059347 A1	03-25-2004	Hamilton	
	AP	US-2004/0243122 A1	12-02-2004	Auth et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	AQ	WO	04/043266	A2	05-27-2004	Opolski		<input type="checkbox"/>
	AR	WO	04/069055	A2	08-19-2004	Frazier et al.		<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

60391984 v1

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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